

From: [Mosley, Ferne](#)
To: [Nance, Earthea](#)
Cc: [Fugh, Justina](#)
Subject: RE: more re: onboarding
Date: Friday, December 17, 2021 1:42:38 PM

Hello, Dr. Nance – to follow-up on your outside writing activities:

Justina spoke with Dan Utech and she advised me that he has approved you continuing the two writing projects outlined below. However, there's one restriction for the encyclopedia – you *may not* accept the (b) (6) compensation or direct the Oxford University Press to donate it to a charity of your choosing. As a non-career SES, your compensation restriction on outside teaching, speaking, and writing that relates to your official duties means, “any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; (2) Any ongoing or announced policy, program or operation of the agency; or in the *case of a non-career member of the Senior Executive Service, (3) the general subject matter area, industry, or economic sector primarily affected by the programs and operations of his agency.* (emphasis added).

Because the subject matter of the *Oxford Encyclopedia of Water, Sanitation, and Global Health* is within a general area of the EPA's programs and operations, you may not accept the compensation. Unfortunately, giving you the authority to direct the payment to a charity of your choosing does not cure the compensation aspect because it still gives you the authority to direct the payment elsewhere and take a charitable deduction for tax purposes. So, in other words, you have to serve as a volunteer and let the organization determine where the money will go without your involvement.

Ethics rules to be mindful of regarding your outside writing activity:

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With regard to your continued participation on the matter for the Oxford University Press, you may not use any non-public information or government time, including the time of a subordinate EPA employee, to continue the work on the encyclopedia. You may continue the work using your own time and public resources. Generally, when writing for a scientific journal or publication, you may refer only to your official title, but you must provide a prominent disclaimer that, “*the views expressed by the author are her own and not those of the U.S. government or the Environmental Protection Agency.*” However, you may choose to avoid any possible criticism by referring only to your non-EPA affiliations and educational background, or you may include your EPA position as part of general biographical information giving it no more prominence than other aspects of your educational or professional background.

For the writing activity with the U.S. Global Change Research Program, this is a writing activity sponsored by the federal government so it is permissible for you to use official time to work on this activity in furtherance of a federal publication and refer to your official title.

Please let me or Justina know if you have any questions.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor

Office of the General Counsel/Ethics Office
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW WJC Bldg, (North)
Washington, DC 20460
202-306-2998 (mobile)
202-564-8046 (desk)

From: Earthea Nance (b) (6)
Sent: Thursday, December 9, 2021 10:09 AM
To: Mosley, Ferne <mosley.ferne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: more re: onboarding

Thanks, Ferne. I had sent Justina questions in two emails, so just to double check, I will resign the 4 boards but I can keep the two authorships, right?

-E

On Wednesday, December 8, 2021, Mosley, Ferne <mosley.ferne@epa.gov> wrote:

Hello, and we'll be looking forward to welcoming you to EPA next week! I've reviewed your outside activities identified below and will recommend that the Chief of Staff permit you to continue those as I don't see any ethics issues, but you will have to make sure that you only refer to your EPA position, if at all, as part of general, biographical information. I'll explain more about that when we give you a comprehensive ethics briefing.

I just want to confirm that it is your intention to resign from all other outside boards, commissions, and positions (with the exception of your university position) upon appointment, and that you will have no continuing teaching or other advisory obligations to your students remaining once you come on board.

Thanks, Ferne

Ferne L. Mosley, Attorney-Advisor
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From: Earthea Nance (b) (6)
Sent: Wednesday, December 8, 2021 2:09 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Mosley, Ferne <mosley.ferne@epa.gov>

Subject: Re: more re: onboarding

Thanks so much, Justina. I will wait to hear from Ferne.

-E

On Wed, Dec 8, 2021 at 12:02 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Earthea,

Congratulations on getting the news that you can start next week! With this email, I'm introducing you to Ferne Mosley, who is a senior ethics attorney and who will be working with you on your financial disclosure report and your recusal statement. Ferne will also be providing your initial ethics briefing next week. I'm referring your questions to her for response. She's terrific! Oh, (b) (6)

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Earthea Nance (b) (6)

Sent: Tuesday, December 7, 2021 10:47 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: more re: onboarding

Hi Justina,

Two more questions along the same lines.....

1. I am on a chapter writing team for the Fifth National Climate Assessment (NCA5), published by the US Global Change Research Program (<https://www.globalchange.gov/nca5>). No pay, but prestigious and by invitation only. I have been actively engaged with the writing team and we have produced a draft and are on schedule. Can I continue?

Here is a copy of the description of the organization from its website:

The U.S. Global Change Research Program (USGCRP) is a federal program [mandated by Congress](#) to coordinate federal research and investments in understanding the forces shaping the global environment, both human and natural, and their impacts on society. USGCRP facilitates collaboration and cooperation across its 13 federal [member agencies](#) to advance understanding of the changing Earth system and maximize efficiencies in federal global change research.

2. I am on a chapter writing team for the Oxford Encyclopedia of Water, Sanitation, and Global Health, published by Oxford University Press (a not-for-profit organization with an office at 198 Madison Avenue, New York, New York 10016). Prestigious, and with the option of receiving (b) (6) or requesting the publisher to donate that amount to a charity of my choosing (I would choose the charity option). I have already drafted and submitted my parts of the chapter.

Thanks in advance for your guidance. I am so excited about joining the EPA.

-E